

THE
JUDGMENT and DEGREE
OF THE
University of Oxford

Past in their
Convocation, July 21. 1683:
Against certain Pernicious Books, and Damnable
Doctrines destructive to the Sacred Persons

OF
PRINCES

Their State and Government, and of all
Humane Society.

Rendred into English, and Published by Command.

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12-22

*The Judgment and Decree of the University of
OXFORD, past in their Convocation
July 21. 1683.*



Ltho the barbarous Assassination lately enterpriz'd against the person of his Sacred Majesty and his Royal Brother, engage all our thoughts to reflect with utmost detestation and abhorrence of that execrable Villany, hateful to God and Man ; and pay our due acknowledgments to the Divine Providence which by extraordinary methods brought it to pass, that the breath of our nostrils the Anointed of the Lord is

not taken in the pit which was prepared for him : and that under his shadow we continue to live, and enjoy the Blessings of his Government : Yet notwithstanding we find it to be a necessary duty at this time to search into and lay open those impious Doctrines, which having of late been studiously disseminated, gave rise and growth to those nefarious attempts : and pass upon them our solemn public Censure and Decree of condemnation.

Therefore to the honor of the holy and undivided Trinity, the preservation of Catholic truth in the Church : and that the King's Majestie may be secur'd from the attempts of open and bloody enemies and the machinations of Traiterous Heretics and Schismatics : We the Vice-Chancellor, Doctors, Proctors, and Masters Regent and non Regent met in Convocation in the accustom'd manner, time and place, on Saturday the 21 of July in the Year 1683. concerning certain Propositions contained in diverse Books and Writings published in English, and also in the Latin tongue repugnant to the holy Scriptures, Decrees of Councils, Writings of the Fathers, the Faith and Profession of the Primitive Church : and also destructive of the Kingly Government, the safety of his Majestie's Person, the Public Peace, the Laws of Nature, and bonds of humane Society ; By our

Unanimous assent and consent, have Decreed and Determin'd in manner and form following.

Proposition 1. All Civil Authority is derived originally from the people.

2. There is a mutual compact, tacit or express, between a Prince and his Subjects; and that if he perform not his duty, they are discharg'd from theirs.
3. That if lawful Governors become Tyrants, or Govern otherwise than by the laws of God and man they ought to do, they forfeit the right they had unto their Government.

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⁽¹⁾ *Lex Rex. Buchanan de Jure Regni. Vindiciae contra Tyrannos. Bellarmine de Conciliis, de Pontifice. Milton. Goodwin. Baxter H.C.*

4. The Sovereignty of *England* is in the three Estates, viz. King, Lords, and Commons. The King has but a coordinate power and may be over ruled by the other two.

Lex Rex. Hunton of a limited and mix'd Monarchy. Baxter H.C. Polit. Catech.

5. Birthright and proximity of Blood give no title to rule on Government, and it is lawful to preclude the next heir from his Right of Succession to the Crown.

Lex Rex. Hunt's Postscript. Doleman. History of Succession. Julian the Apostate. Mene Tekel,

6. It is lawful for Subjects without the consent and against the command of the Supreme Magistrate to enter into leagues, covenants and associations, for defence of themselves and their religion.

Solemn League and covenant. Late Association.

7. Self preservation is the fundamental law of nature, and supersedes the obligation of all others, when ever they stand in competition with it.

Hobbes de Cive. Leviathan.

8. The doctrine of the Gospel concerning patient suffering of injuries, is not inconsistent with violent resisting of the higher powers in case of persecution for religion.

Lex Rex. Julian Apostat. Apolog. Relat.

9. There lies no obligation upon Christians to passive obedience, when the Prince commands any thing against the laws of our Countrey ; and the primitive Christians chose rather to die than resist, because Christianity was not yet settled by the laws of the Empire.

Julian Apostate.

10. Possession and strength give a right to govern, and success in a cause or enterprise proclaims it to be lawful and just ; to pursue it is to comply with the will of God, because it is to follow the conduct of his providence.

Hobbes. Owen's Sermon before the Regicides Jan. 31. 1648, Baxter, Jenkin's petition Octob. 1651.

11. In the state of nature there is no difference between good and evil, right and wrong ; the state of nature is a state of war, in which every man hath a right to all things.

12. The foundation of Civil Authority is this natural right, which is not given, but left to the Supreme Magistrate upon mens entering into societies, and not only a foreign Invader but a domestic Rebel puts himself again into a state of nature, to be proceeded against not as a subject but an enemy : and consequently acquires by his rebellion the same right over the life of his prince, as the Prince for the most heinous crimes has over the life of his own Subjects.

13. Every man after his entring into a society retains a right of defending himself against force, and cannot transfer that right to the Commonwealth, when he consents to that union whereby a Commonwealth is made ; and in case a great many men together

ther have already resisted the Commonwealth, for which every one of them expecteth death, they have liberty then to joyn together to assist and defend one another. Their bearing of arms subsequent to the first breach of their duty, tho it be to mantain what they have done, is no new unjust act, and if it be only to defend their persons, is not unjust at all.

14. An Oath superadds no obligation to pact, and a pact obliges no further than it is credited: and consequently if a Prince gives any indication that he does not believe the promises of fealty and allegiance made by any of his subjects, they are thereby freed from their subjection, and notwithstanding their pacts and oaths may lawfully rebel against, and destroy their Sovereign.

Hobbes de Cive. Leviathan.

- 15 If a people that by Oath and Duty are oblig'd to a Sovereign, shall sinfully dispossess him, and contrary to their Covenants chuse, and covenant with another; they may be obliged by their latter Covenant, notwithstanding their former.

Baxter H: C:

- 16 All Oaths are unlawful, and contrary to the Word of God.

Quakers:

- 17 An Oath obliges not in the sense of the Imposer, but the takers.

Sheriffs Case:

- 18 Dominion is founded in Grace.

- 19 The Powers of this World are usurpations upon the Prerogative of Jesus Christ, and it is the Duty of Gods people to destroy them, in order to the setting Christ upon his Throne.

Fifth-Monarchy Men.

- 20 The Presbyterian Government is the Scepter of Christ's Kingdom, to which Kings as well as others are bound to submit; and the Kings Supremacy in Ecclesiastical Affairs asserted by the Church

Church of *England* is injurious to Christ, the sole King and Head of his Church.

Altare Damascenum. Apolog. relat. Hist: Indulgen. Cartwright: Travers.

21 It is not lawful for Superiors to impose any thing in the worship of God that is not antecedently necessary.

22 The duty of not offending a weak Brother is inconsistent with all Humane Authority of making Laws concerning indifferent things.

Protestant Reconciler.

23 Wicked Kings and Tyrants ought to be put to death, and if the Judges and inferior Magistrates will not do their office, the power of the Sword devolves to the people; if the major part of the people refuse to exercise this power, then the Ministers may excommunicate such a King, after which it is lawful for any of the Subjects to kill him, as the people did *Athaliah*, and *Jehu Jezabeel*.

Buchanan, Knox, Goodman, Gilby, Jesuits,

24. After the sealing of the Scripture Canon, the people of God in all ages are to expect new Revelations, for a rule of their actions, and it is lawful for a private man, having an inward motion from God, to kill a ^b Tyrant.

**Quakers and other Enthusiasts. Goodman.^b*

25. The example of *Phineas* is to us instead of a Command; for what God has commanded or approved in one age, must needs oblige in all
Goodman. Knox. Napthali.

26 King *Charles* the first was lawfully put to Death, and his murderers were the blessed instruments of Gods glory in their Generation.

Milton. Goodwin: Owen;

27. King Charles the first made war upon his Parliament; and in such a case the King may not only be resisted; but he ceaseth to be King.

Baxter.

We decree, judge and declare all and every of these Prepositions to be false, seditious and impious ; and most of them to be also Heretical and Blasphemous, infamous to Christian Religion, and destructive of all Government in Church and State.

We farther decree that the Books which contain the foresaid propositions and impious Doctrines, are fitted to deprave good manners; corrupt the minds of unwary men, stir up seditions and tumults, overthrow States and Kingdoms, and lead to Rebellion, murther of Princes, and Atheism it selfe : and therefore we interdict all members of the University from the reading the said Books, under the penalties in the Statutes express.

We also order the before recited Books to be publicly burnt, by the hand of our Marshal in the court of our Scholes.

Likewise we order that in perpetual memory hereof, these our decrees shall be entred into the Registry of our Convocation, and that copies of them being communicated to the several Colleges and Halls within this University, they be there publickly affixt in the Libraries, Refectories, or other fit places where they may be seen and read of all.

Lastly we command and strictly enjyn all and singular Readers, Tutors, Catechists and others to whom the care and trust of institution of youth is committed, that they diligently instruct and ground their Scholars in that most necessary Doctrine which in a manner is the Badge and character of the Church of England, of submitting to every Ordinance of man for the Lords sake, whether it be to the King as supreme, or unto Governors as unto them that are sent by him, for the punishment of evil doers, and for the praise of them that do well : Teaching that this submission and obedience is to be clear, absolute and without exception of any State or order of men: Also that all supplications, Frayers, Intercessions and giving of thanks be made for all men, for the King and all that are in Autority, that we may lead a quiet and peaceable life in all godliness and honesty ; for this is good and acceptable in the sight of God our Saviour. And in especial manner that they press and oblige them humbly to offer their most ardent and daily Prayers at the Throne of Grace for the preservation of our Sovereign Lord King Charles from the attempts of open violence, and secret Machinations of perfidious Traytors : that he the Defender of the faith, being safe under the defence of the most High, may continue his reign on Earth, till he exchange it for that of a late and happy Immortality.

